

U.S. PTO Customer No. 25280

Case# 5720

REMARKS

Applicants have amended the independent claims to include (a) that the amount of absorbent particulate is present in an amount from about 2.0 to about 25 parts by weight and (b) that the amount of water is present in an amount at least 75 parts by weight. Applicants respectfully submit that these amendments do not present new matter and are fully supported by Applicants' specification (see, for instance, page 16, lines 16-24 and Examples).

Applicants have also modified independent claims 1 and 41 to include a fourth component in the liquid cleaning composition, similar to the fourth component already recited in independent claims 49 and 50. Two additional components were also added to claims 49 and 50, which were inadvertently left out. A typographical error in the independent claims was also corrected.

35 USC §103 (a) Rejections:

5. Claims 1 and 49 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman (USPN 4,493,781).

Examiner's Arguments

The Examiner submits that Froehlich et al. teach methods of cleaning carpets where compositions comprising 30-90% particulate polymeric urea-formaldehyde having a particle size of 10-105 microns and a oil absorption value of no less than 90, and about 10-70% fluid, wherein the fluid is up to 100% water and the water contains sufficient surfactant to give a surface tension of less than 40 dynes per centimeter (col. 1, lines 40-52; col. 2, lines 40-50; col. 4, lines 1-4), and optionally dust suppressants (col. 3, lines 45-58) are applied to carpets. Froehlich et al. further teach methods of agitated into the carpet, dried and removed by vacuum cleaner (col. 5, lines 45-55).

The Examiner submits that Froehlich et al. does not teach clays as a component of the composition. The Examiner cites Chapman for a teaching of clays. The Examiner submits that Chapman is in the analogous art of carpet cleaning and teaches conventional powdered carpet cleaning compositions which include clays such as bentonite, kaolin and like as brightening agents (col. 5, lines 1-15).

U.S. PTO Customer No. 25280

Case# 5720

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the compositions and methods of Froehlich et al. by encompassing the brightening clays taught by Chapman et al. because Chapman et al. teach these compounds as effective in brightening carpets in powdered carpet cleaning formulations. Furthermore, Froehlich et al. invited the inclusion of additives including brightening agents. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

Applicants' Arguments

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03).

Both references teach powdered cleaning compositions (see Title; Abstract; Examples). Applicants respectfully submit that there is no teaching by the combination of Froehlich and Chapman of modifying these references, which teach the use of powdered cleaning compositions, to create a method for cleaning textiles substrates using liquid cleaning compositions as claimed by Applicants.

Furthermore, Applicants have amended the independent claims to recite the presence of absorbent particulates in amounts ranging from 2.0 to 25 parts by weight and water in amounts greater than 75 parts by weight as part of Applicants' liquid cleaning composition. Applicants respectfully assert that these values, now recited by the Instant claims, are not taught or fairly suggested by the combination of references. Froehlich teaches urea formaldehyde in amounts ranging from 30-90% and fluids in amounts ranging from 10-70%. Applicants respectfully submit that Chapman fail to provide for the deficiencies of Froehlich in this regard. Thus, Applicants respectfully submit that the combination of Froehlich and Chapman fail to teach all the limitations of Applicants' claims.

Additionally, Applicants respectfully submit that the combination of references teaches away from Applicants' claimed invention. Applicants teach a method for cleaning a textile substrate with a liquid cleaning composition. The combination of references teaches the use of powdered cleaning compositions. In fact, Chapman et al. specifically states the following with regard to liquid cleaning compositions (col. 1, lines 11- 25):

U.S. PTO Customer No. 25280

Case# 5720

Commercially available liquid compositions such as carpet or rug shampoos, specifically adapted for cleaning formed textile fabrics, exhibit well known defects which render them unacceptable to many consumers. Such liquid cleansers tend to cause shrinking, wicking and matting of textile fabrics, such as carpeting. In addition, such compositions characteristically leave sticky, tacky deposits such as detergent residues, which enhance the tendency of the carpet to accumulate additional soil. To avoid detergent residues, it is usually necessary to observe a protracted drying interval prior to the resumption of traffic after application of the liquid composition. Such liquid compositions can also give rise to mildew formation and can damage metallic articles in contact with carpeting.

Thus, Applicants respectfully submit that the combination of references actually teach away from Applicants' claimed invention. As such, a *prima facie* case of obviousness cannot exist. Case law states that "[A] prior art reference may be considered to teach away when 'a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.'" Monarch Knitting Machinery Corp. v. Sulzer Morat GmbH, 1998 WL 117765 at *8 (Fed. Cir. 1998); In re Gurley, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994).

Applicants also wish to respectfully note that the Examiner's assertion that Chapman et al. teach clays as brightening agents is incorrect. Rather, Chapman et al. state that clays may be included as fillers (see column 5, lines 3-19 and 16-26). Thus, Applicants respectfully contend that the argument by the Examiner that Froehlich invites the inclusion of additives including brightening agents, as motivation for combining the references, is improper.

Accordingly, since the combination of references: (a) fails to teach the limitations as claimed by Applicants in independent claims 1 and 49 and (b) teaches away from the invention as recited in independent claims 1 and 49, Applicants respectfully submit that this rejection is improper. Applicants respectfully submit that the obviousness rejection of the claims should not be maintained. Reconsideration and withdrawal of this rejection is earnestly requested.

U.S. PTO Customer No. 25280

Case# 5720

6. Claims 2, 8, 9 and 10 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) as applied to the claims above and further in view of Roberts et al. (USPN 6,125,498).

The Examiner relies on Froehlich and Chapman as set forth above. The Examiner submits that Froehlich does not teach carpet cleaning machines which are battery operated and relies on Roberts for such a teaching. More specifically, the Examiner submits that Roberts et al., in the analogous art of carpet and upholstery cleaning (col. 4, lines 33-35 and col. 9, lines 63-67), teach handheld carpet and upholstery cleaning machines which are battery operated (col. 3, lines 29-33), wherein the liquid cleaner is dispensed from a spray nozzle and applied by a squeegee or brush (col. 2, lines 1-6 and 33-50).

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Froehlich and Chapman by adding the carpet/upholstery cleaning machine taught by Roberts because Roberts teaches the improved carpet cleaning benefits provided by hand held cleaning machines. One of ordinary skill in the art would have been motivated to combine the teaching of the references absent unexpected results.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03) and the combination of references cannot teach away from the claimed invention (see case law citation presented above). Applicants rely on the discussion presented above with regard to the deficiencies of Froehlich et al. and Chapman et al. Applicants further submit that Roberts et al. fail to provide for these deficiencies in that Roberts et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes about 2 to about 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicants respectfully submit that the combination of references fails to teach the limitations recited by independent claim 1 and further teach away from the instant invention recited therein. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicants respectfully submit that the obviousness rejection of claims 2, 8, 9 and 10 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

U.S. PTO Customer No. 25280

Case# 5720

7. Claims 3-6 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) as applied to the claims above, and further in view of shoplet.com (<http://www.blochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>).

The Examiner relies upon Froehlich et al. and Chapman et al. as set forth above as the primary reference that teaches the method of the present invention. The Examiner submits that Froehlich et al. and Chapman et al. do not teach one gallon containers with removable caps and synthetic applicators with tips for dispensing the compositions. However, the Examiner contends that shoplet.com teaches that carpet cleaners currently on the market, such as Resolve® Spot Magic®, are conventionally sold in aerosol cans with detachable caps, nozzles with openings, and canisters with a volume of less than 1 gallon (in this case 14 oz.). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al. and Chapman et al. into the canisters demonstrated by shoplet.com for dispensing since this is conventionally known in the art to be an effective method for packaging and dispensing of the composition onto carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03) and the combination of references cannot teach away from the claimed invention (see case law citation presented above). Applicants rely on the discussion presented above with regard to the deficiencies of Froehlich et al. and Chapman et al. Applicants further submit that shoplet.com fail to provide for these deficiencies in that shoplet.com fails to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicants respectfully assert that the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes about 2 to about 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicants respectfully submit that the combination of references fails to teach the limitations recited by independent claim 1 and further teach away from the instant invention recited therein. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicants respectfully submit that the obviousness rejection of claims 3 – 6 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

U.S. PTO Customer No. 25280

Case# 5720

8. Claims 7, 41-46 and 50 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) as applied to the claims above, and further in view of shoplet.com

(<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>)

as applied to the claims above, and further in view of Hoxie (USPN 3,184,781).

The Examiner relies on Froehlich et al., Chapman et al., and shoplet.com as set forth above. The Examiner submits that this combination fails to teach foam or bristle scrubbing mechanisms. Thus, the Examiner relies upon Hoxie, in the analogous art of upholstery shampoos (col. 2, lines 7-9) for a teaching of attachable heads for aerosol cans (col. 1, lines 23-25) which have bristles and sponge foams (col. 3, lines 6-73). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al. and Chapman et al. into the canisters demonstrated by shoplet.com for dispensing with the caps taught by Hoxie et al. for scrubbing since this is conventionally known in the art to be an effective method for packaging, dispensing and utilizing the composition to provide maximal cleaning benefits to carpets and upholstery. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art (MPEP § 2143.03) and the combination of references cannot teach away from the claimed invention (see case law citation presented above). Applicants rely on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al., and shoplet.com. Applicants further submit that Hoxie et al. fail to provide for these deficiencies in that Hoxie et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicants respectfully assert that the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes about 2 to about 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicants respectfully submit that the combination of references fails to teach the limitations recited by independent claims 1, 41 and 50 and further teach away from the instant invention recited therein. Since the other rejected claims each depend either directly or indirectly from independent claims 1 and 41, Applicants respectfully submit that the obviousness rejection of claims 7, 41-46 and 50 is improper and should not be maintained. Reconsideration and reversal of this rejection is respectfully requested.

U.S. PTO Customer No. 25280

Case# 5720

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.


Should any issues remain after consideration of these Amendments and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

October 26, 2007

Milliken & Company
Legal Department, M-495
920 Milliken Road
PO Box 1926
Spartanburg, SC 29304


Brenda D. Wentz
Agent for Applicants
Registration Number: 48,643
(864) 503-1597